IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE TRICOR DIRECT PURCHASER ANTITRUST LITIGATION	C.A/ No. 05-340 (KAJ) (Consolidated)
THIS DOCUMENT RELATES TO:	
ALL ACTIONS	

DIRECT PURCHASER PLAINTIFFS' FURTHER NOTICE OF DEPOSITION OF ABBOTT LABORATORIES

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs will take the deposition by oral examination of Abbott Laboratories on September 8, 2006 at 9:30 a.m., at Rosenthal, Monhait & Goddess, P.A., 919 Market Street, Suite 1401, Wilmington, DE 19801, or such other location agreed to by counsel. The deposition will be recorded by videotape as well as stenographically before a Notary Public or other officer authorized to administer oaths, and shall continue from day to day until completed, with such adjournments as to time and place as may be necessary.

NOTICE IS HEREBY GIVEN that, pursuant to Fed. R. Civ. P. 30(b)(6), Abbott Laboratories is required to designate one or more officers, directors or managing agents, or other persons who consent to testify on their behalf and to give testimony on the topics set forth in Exhibit A hereto, and the person(s) so designated shall be required to testify as to the matters

known or reasonably available to the corporation with respect to each topic. You are invited to attend and to cross examine.

/s/ Jeffrey S. Goddess
Jeffrey S. Goddess (Del. Bar No. 630)
Rosenthal, Monhait & Goddess, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com
Liaison Counsel for Direct Purchaser Class

/s/ Elizabeth M. McGeever
Elizabeth M. McGeever (Del. Bar No. 2057)
Prickett Jones & Elliott, P.A.
1310 King Street
P. O. Box 1328
Wilmington, DE 19899
(302) 888-6521
emmcgeever@prickett.com
Counsel for Walgreen Co., Eckerd Corporation, The Kroger Co., Maxi Drug, Inc. d/b/a Brooks Pharmacy, Albertson's, Inc., Safeway, Inc., Hy-Vee, Inc., American Sales Company, Inc., CVS Pharmacy, Inc., Rite Aid Corporation and Rite Aid Hdqrts. Corp.

Bruce E. Gerstein
GARWIN, GERSTEIN & FISHER
1501 Broadway, Suite 1416
New York, NY 10036
(212) 398-0055
Lead Counsel for Direct Purchaser Class

Joseph T. Lukens
HANGLEY ARONCHICK SEGAL & PUDLIN
One Logan Square, 27th Fl.
Philadelphia, PA 19103
(215) 496-7032
Attorneys for CVS Pharmacy, Inc., Rite Aid Corporation and Rite Aid Hdqrts. Corp.

Scott E. Perwin
Lauren C. Ravkind
KENNY NACHWALTER, P.A.
201 South Biscayne Boulevard
1100 Miami Center
Miami, FL 33131
(305) 373-1000
Attorneys for Plaintiffs Walgreen Co., Eckerd Corporation, The Kroger Co., Maxi Drug, Inc. d/b/a Brooks Pharmacy, Albertson's Inc., Safeway, Inc., Hy-Vee, Inc. and American Sales Company, Inc.

EXHIBIT A

Abbott Laboratories is requested to designate one or more officers, directors or managing agents, or other persons who consent to testify on its behalf who have knowledge of the matters set forth herein.

DEFINITIONS

1. The term "Abbott" means Abbott Laboratories, or any of its subsidiaries, divisions, subdivisions, affiliates, predecessor and successor entities, partners, officers, directors, employees, agents, legal counsel, or any other person acting on its behalf.

2. The term "Fournier" means Fournier Industrie et Sante, Laboratories Fournier S.A., or any of their subsidiaries, divisions, subdivisions, affiliates, predecessor and successor entities, partners, officers, directors, employees, agents, legal counsel, or any other person acting on their behalf.

3. The term "Decision Makers" means the individuals involved on Abbott's behalf in deciding, directly or indirectly, whether to file and/or continue to prosecute the Capsule and/or Tablet Lawsuits.

4. The term "Capsule Lawsuits" refers to those actions instituted by Abbott and/or Fournier in the United States District Court for the Northern District of Illinois alleging infringement of the Curtet Patent, including but not limited to Abbott Laboratories v. Novopharm Ltd., Civ. No. 00-CV-2141 (N.D. Ill.); Abbott Laboratories v. Novopharm Ltd., Civ. No. 00-CV-5094 (N.D. Ill.); Abbott Laboratories v. Novopharm Ltd., Civ. No. 01-CV-1914 (N.D. Ill.);Abbott Laboratories v. Impax Laboratories, Inc., Civ. No. 00-CV-5092 (N.D. Ill.);Abbott Laboratories v. Impax Laboratories, Inc., Civ. No. 00-CV-7865 (N.D. Ill.); and Abbott Laboratories v. Impax Laboratories, Inc., Civ. No. 01-CV-1648 (N.D. Ill.).

5. The term "Tablet Lawsuits" refers to those actions instituted by Abbott and/or Fournier in the United States District Court for the District of Delaware alleging infringement of the Curtet Patent and/or Stamm Patents, including, but not limited to Abbott Laboratories v. Teva Pharmaceuticals USA, Inc., Civ No. 02-1512 (Del.); Abbott Laboratories v. Teva Pharmaceuticals USA, Inc., Civ No. 03-0847 (Del.); Abbott Laboratories v. Teva Pharmaceuticals USA, Inc., Civ No. 04-0047 (Del.) Abbott Laboratories v. Impax Laboratories, Inc. 03-0120 (Del.); Abbott Laboratories v. Impax Laboratories, Inc. 03-0288 (Del.); Abbott Laboratories v. Impax Laboratories, Inc., Civ. No. 03-0890 (Del.); Abbott Laboratories v. Impax Laboratories, Inc., Civ. No. 04-0048 (Del.).

6. The term "Bases" means all evidence discovered and/or developed by Abbott and/or Fournier and/or the Decision Makers before or during the Capsule Lawsuits and Tablet Lawsuits including, but not limited to, documentary evidence, deposition testimony, and expert opinions and reports.

7. The term "Curtet Patent" means United States Patent No. 4,895,726.

8. The term "Stamm Patents" means United States Patent Nos. 6,074,670; 6,277,405; 6,589,552; 6,596,317; and 6,652,881.

9. The term "Capsule ANDAs" means abbreviated new drug application nos. 75-753 and 75-868.

10. The term "Tablet ANDAs" means abbreviated new drug application nos. 76-433 and 76-509.

11. The term "Identity" means the person's (a) full given name, together with any and all known nicknames; (b) present employer and business address, or if unavailable, last known employer and business address; (c) present home address, if a natural person, or if unavailable, last known home address; (d) business affiliation, if a natural person, or if unavailable, last

known business affiliation; and (e) job title and description of the duties and responsibilities of such person, if a natural person, including all changes thereto.

11. The terms "and/or", "or" and "and" are used inclusively, not exclusively.

TOPICS

1. The Identity of the Decision Makers and their respective roles in deciding whether to file and/or continue to prosecute each of the Capsule and/or Tablet Lawsuits.

2. The pre-filing investigation, if any, conducted by or on behalf of Abbott with respect to each of the Capsule and Tablets Lawsuits.

3. The facts known (and when they became known) to Abbott and the Decision Makers supporting Abbott's infringement positions in the Capsule Lawsuits including, but not limited to, facts regarding (1) the Capsule ANDAs and/or products manufactured under those ANDAs and (2) the Curtet Patent (and its prosecution history).

4. The facts known (and when they became known) to Abbott and the Decision Makers supporting Abbott's infringement, validity and enforceability positions in the Tablet Lawsuits including, but not limited to, facts regarding (1) the Tablet ANDAs and/or products manufactured under those ANDAs and (2) the Curtet and Stamm Patents (and their prosecution histories).

5. Abbott's and the Decision Makers' Bases and motivations for filing and perpetuating the Capsule Lawsuits and Tablet Lawsuits.

6. Abbott's and the Decision Maker's Bases for believing that the Capsule ANDAs and/or Tablet ANDAs and/or products manufactured under those ANDAs satisfied the limitations of the Curtet Patent claims, including but not limited to the limitations "co-micronized mixture of particles of fenofibrate and a solid surfactant" and "co-micronization of

the fenofibrate and a solid surfactant."

7. Abbott's and the Decision Maker's Bases for believing that the claim limitations requiring a minimum weight percentage content of a hydrophilic polymer (*e.g.*, at least twenty weight percent) in one or more of the Stamm Patents were satisfied by the Tablet ANDAs and/or products manufactured under those ANDAs.

8. Abbott's and the Decision Maker's Bases for Abbott's proposed claim constructions in the Capsule Lawsuits and Tablet Lawsuits.

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2006 I electronically filed the foregoing DIRECT PURCHASER PLAINTIFFS' FURTHER NOTICE OF DEPOSITION OF ABBOTT LABORATORIES using CM/ECF, which will send notification of such filing to all registered participants, including:

Josy W. Ingersoll, Esquire
John W. Shaw, Esquire
Karen Keller, Esquire
Young Conaway Stargatt & Taylor
The Brandywine Building
1000 West Street, 17th Floor
P. O. Box 391
Wilmington, DE 19899-0391

Mary B. Graham, Esquire
Morris Nichols Arsht & Tunnell
1201 North Market Street
P. O. Box 1347
Wilmington, DE 19899

Frederick L. Cottrell, III, Esquire
Anne Shea Gaza, Esquire
Richards Layton & Finger
One Rodney Square
920 North King Street
Wilmington, DE 19801

Mary B. Matterer, Esquire
Morris James Hitchens & Williams
222 Delaware Avenue
10th Floor
P. O. Box 2306
Wilmington, DE 19899

Pamela S. Tikellis, Esquire
Robert J. Kriner, Jr., Esquire
A. Zachary Naylor, Esquire
Chimicles & Tikellis lLP
One Rodney Square
P. O. Box 1035
Wilmington, DE 19899

Jonathan L. Parshall, Esquire
Murphy Spadaro & Landon
1011 Centre Road
Suite 210
Wilmington, DE 19801

Elizabeth M. McGeever, Esquire
Prickett Jones Elliott, P.A.
1310 King Street
P. O. Box 1328
Wilmington, DE 19899

Michael I. Silverman, Esquire
Lynn A. Iannone, Esquire
Silverman & McDonald
1010 N. Bancroft Parkway #22
Wilmington, DE 19805

Patrick Francis Morris, Esquire
Morris & Morris
1105 North Market Street
Suite 803
Wilmington, DE 19801

I hereby certify that on July 26, 2006 I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PURCHASER CLASS (C.A. No. 05-340):

Bruce E. Gerstein
bgerstein@garwingerstein.com

Barry S. Taus
btaus@garwingerstein.com

Adam M. Steinfeld
asteinfeld@garwingerstein.com

Rimma Neman
rneman@garwingerstein.com

Daniel Berger
danberger@bm.net

Eric L. Cramer
ecramer@bm.net

Peter Kohn
pkohn@bm.net

Neill W. Clark
nclark@bm.net

Linda P. Nussbaum
lnussbaum@cmht.com

Steig D. Olson
solson@cmht.com

David P. Germaine
dgermaine@daarvanek.com

Joseph Vanek
jvanek@daarvanek.com

Stuart Des Roches
stuart@odrlaw.com

Andrew Kelly
akelly@odrlaw.com

Adelaida Ferchmin
aferchmin@odrlaw.com

David P. Smith
dpsmith@psfllp.com

Russell A. Chorush
rchorush@hpcllp.com

Michael F. Heim
mheim@hpcllp.com

REPRESENTING WALGREEN, ECKERD, KROGER, MAXI, CVS, RITE AID (C.A. No. 05-340):

Elizabeth M. McGeever
emmcgeever@prickett.com

Scott E. Perwin
sperwin@kennynachwalter.com

Lauren Ravkind
lravkind@kennynachwalter.com

Joseph T. Lukens
jlukens@hangley.com

REPRESENTING PACIFICARE (C.A. No. 05-340):

Jonathan L. Parshall
jonp@msllaw.com

William Christopher Carmody
bcarmody@susmangodfrey.com

John Turner
jturner@susmangodfrey.com

Shawn Rabin
srabin@susmangodfrey.com

Justin Nelson
jnelson@susmangodfrey.com

Ken Zylstra
kzylstra@sbclasslaw.com

Lyle Stamps
lstamps@sbclasslaw.com

Steve Connolly
sconnolly@sbclasslaw.com

Casey Murphy
cmurphy@sbclasslaw.com

Mark Sandman
mms@rawlingsandassociates.com

Jeffrey Swann
js5@rawlingsandassociates.com

REPRESENTING IMPAX LABORATORIES (C.A. No. 03-120)

Mary Matterer
mmatterer@morrisjames.com

John C. Vetter
jvetter@kenyon.com

Asim Bhansali
abhansali@kvn.com

REPRESENTING INDIRECT PARTY PLAINTIFFS (C.A. No. 05-360):

Pamela S. Tikellis
Thomas M. Sobol
Patrick E. Cafferty
Jeffery L. Kodroff

Bernard J. Persky
Michael Gottsch
A. Zachary Naylor
Robert Davis
Brian Clobes
Michael Tarringer
Tim Fraser
David Nalven
Greg Matthews
Christopher McDonald
Kellie Safar
Ted Lieverman
Pat Howard
tricor@chimicles.com

Michael I. Silverman
mike@silverman-mcdonald.psemail.com

Lynn A. Iannone
lynn@silverman-mcdonald.psemail.com

Patrick Francis Morris
pmorris@morrisandmorrislaw.com

REPRESENTING TEVA PHARMACEUTICALS (C.A. No. 02-1512):

Josy W. Ingersoll
Bruce M. Gagala
Karen E. Keller
Christopher T. Holding
Ken Cohen
Elaine Blais
tricor@ycst.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham
tricor@mnat.com

William F. Cavanaugh
wfcavanaugh@pbwt.com

Chad J. Peterman
cjpeterman@pbwt.com

REPRESENTING FOURNIER (ALL CASES):

Frederick L. Cottrell, III
Anne Shea Gaza
Steven S. Sunshine
Matthew P. Hendrickson
Bradley J. Demuth
Maggie DiMoscato
Timothy C. Bickham
tricor@rlf.com

/s/ Jeffrey S. Goddess

Jeffrey S. Goddess (Del. Bar No. 630)
Jessica Zeldin (Del. Bar No. 3558)
Rosenthal, Monhait & Goddess, P.A.
Suite 1401, 919 Market Street
P. O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
jgoddess@rmgglaw.com
jzeldin@rmgglaw.com